IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9867 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MANGU @ VASANTBHAI KESHAVBHAI PATEL - Petitioner(s)
Versus
REGIONAL PASSPORT OFFICER & 1 - Respondent(s)

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Appearance :

MR PRASHANT MANKAD for Petitioner(s) : 1,MR JAGDISH H MEHTA for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 2.
MR MOHMAD IQBAL SHAIKH for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 18/04/2007

ORAL JUDGMENT

1. **RULE**. Mr. Shaikh Learned Additional Central Government Standing Counsel waives service of rule on behalf of the respondents. At the request of the learned

advocates for the respective parties, the matter is taken up for final hearing today itself.

2. The petitioner has approached this Court to seek appropriate direction on the respondent authority to carry out necessary correction in the passport. It is the say of the petitioner that in the passport the entries with regard to his name as well as birth date have been made on the basis of the school leaving certificate. In the passport the petitioner's name is shown as Vasantbhai Keshavbhai Patel and his birth date is shown as 1st June, 1949. However, his correct birth date is 11th January, 1949. The petitioner wants to substantiate this fact on the basis of the Extract of Birth and Death Register of village Pasodara, a copy whereof is annexed at annexure-A. In the said document, the name of the petitioner is shown as Mangubhai and the petitioner states that his original name was Mangubhai, but the name has been changed to Vasantbhai and that has appeared in the Gazette also. In view of the same, it is submitted that Mangubhai or Vasantbhai, he is one and the same person.

3. I have heard Mr. Prashant Mankad learned advocate for the petitioner and Mr. Shaikh learned additional Central Government standing counsel for the

respondent. Having perused the record of this petition, it appears that on the basis of the document that may be produced before the respondent authority it can carry out necessary corrections after due verification of the same. However, it may be clarified here, that if the birth record of the petitioner is found to be in order, the respondent authority will take it into account, since it will prevail over the school leaving certificate and carry out necessary correction.

3.1. Since this exercise is required to be taken at the instance of the petitioner, the petitioner is directed to pay costs of Rs.2,500=00 to the respondent.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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